

In the Matter of)
Creation of a Low) MB Docket No. 99-25
Power Radio)
Service)

While Highland Community Broadcasting has its own thoughts and opinions on LPFM, we want to recognize the work of Rich Eyre, operator of RECNET.COM, a website that has been an invaluable resource to the LPFM community. Mr. Eyre has made representations to the FCC before, including a petition on Broadcast Localism (Docket #04-233) that includes many excellent ideas regarding LPFMs and their relationship to full-power stations and translators. We endorse many of Mr. Eyre's positions in Docket 04-233 as they apply to LPFMs.

LPFMs deserve to have primary status. Full-power broadcasters also deserve to be able to maximize their facilities. No LPFM should be knocked off the air by an encroaching full-power FM or translator. However there are ways to ensure all parties are given consideration.

Highland Community Broadcasting feels it would be fair to have any full-power broadcaster that wishes to relocate or upgrade a facility that displaces an LPFM be required to cover the expense of relocating the LPFM to a new transmitter location and/or new frequency. The new LPFM facility should offer similar or better coverage than the original LPFM facility. No payments should be allowed other than legitimate expenses of relocating the LPFM facility. Contour protection rules with the option of using a directional antenna could be used.

This position is similar to one offered by Mr. Rich Eyre of RECNET.COM in Docket #04-233, referring to "Limited Primary Status."

As for status over translators, LPFMs should have preference over distant translators, Highland Community Broadcasting also agrees with the points made by Rich Eyre of RECNET.COM in his Broadcast Local petition #04-233 regarding "Distant Translators" which Mr. Eyre describes as: "those where the primary station is at least 400km away and in a different state."

We agree with Mr. Eyre's position that: "LPFM stations should have spectrum priority over distant translators and therefore should be able to displace a distant translator if the LPFM can make a showing that no other channel is available for LPFM use."

No translator would be allowed to displace an LPFM

TRANSFERRING OF LPFM LICENSES

While community groups like Highland Community Broadcasting take the responsibility of operating our LPFM stations very seriously, there is no way to look into the future and guarantee that circumstances would not change that could hinder their ability to function. Over time, key members leave, retire, move away, or pass on.

It seems absurd to have to shut down a thriving LPFM simply because of a change of circumstance within its license holder, especially if there are other qualified groups willing to assume operation.

Highland Community Broadcasting endorses allowing LPFM licenses to be transferred to other qualified local parties for NO monetary consideration.

However, the FCC should allow groups to receive fair value for physical station assets like transmitters, studio equipment, etc. as part of such a transfer, as long as they can be demonstrated as legitimate.

OWNERSHIP LIMITS

Highland Community Broadcasting endorses allowing qualified local groups to be able to hold a modest number of local LPFM licenses. A qualified local group should be allowed, through application or transfer of license, hold up to 5 LPFM licenses providing: 1) no other qualified local group with fewer or no licenses applies for the same facility. 2) All LPFM stations be within 25 miles of the stated headquarters of the group.

PROGRAMMING EXEMPTION

Highland Community Broadcasting endorses requiring LPFM license holders to offer significant local programming on their stations. However there are rare situations where programming from a national service fills a compelling local need.

Certain formats, such as Jazz and Classical music, are difficult to program and maintain without significant resources. Both formats require vast knowledge and libraries to create programs that the local community would be enhanced by. In the past, the FCC has recognized the public interest in promoting such formats that are becoming harder to find on either commercial or non-commercial radio..

There are several excellent program services that offer Jazz and Classical music that are distributed via satellite. These services offer a level of programming that would be difficult, if not impossible, to duplicate on the local level. Even though programming from a satellite provider runs counter to the spirit and mission of LPFM as a service, we feel that a compelling public interest is served by offering these two endangered formats.

Highland Community Broadcasting proposes LPFMs that program Jazz and Classical music for more than 90% of their broadcast schedule, be exempt from local programming requirements.

IN CONCLUSION

Highland Community Broadcasting appreciates the opportunity to offer suggestions regarding the LPFM service. We also appreciate the hard work of the Commission staff.

It's our hope that some of these ideas will become part of the LPFM rules, helping this vital service to flourish.